

## **FEDERAL ADVISORY COMMITTEE (FAC) MEMBERSHIP BALANCE PLAN**

### **(1) FEDERAL ADVISORY COMMITTEE:**

National Advisory Committee on Occupational Safety and Health (NACOSH)

### **(2) AUTHORITY**

NACOSH is established and operates in accordance with Section 7(a) of the Occupational Safety and Health Act of 1970 (OSH Act)(29 U.S.C. 651, 656); 29 CFR 1912a; and Secretary of Labor's Order 1-2012 (77 FR 3912, 1/25/2012). In addition, NACOSH operates in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. App.2), its implementing regulations (41 CFR 102-3), and chapter 1600 of Department of Labor Management Series 3 (3/17/2008).

### **(3) MISSION/FUNCTION**

NACOSH's duties are solely advisory and consultative. NACOSH advises, consults with, and makes recommendations to the Secretary of Labor (Secretary) and the Secretary of Health and Human Services (HHS) on matters relating to the administration of the OSH Act. The Secretary and HHS Secretary may seek advice and recommendations from NACOSH on a variety of subjects, including guidance and outreach; research needs and priorities; regulatory matters; and other activities to help reduce work-related deaths, injuries and illnesses. NACOSH's advice will help the Secretary and HHS Secretary in terms of substantive input on workplace safety and health issues; ideas that could be implemented to reduce worker deaths, injuries and illnesses; and feedback on OSHA and HHS initiatives to improve occupational safety and health.

### **(4) POINTS OF VIEW**

The OSH Act established NACOSH membership composition and representation. The OSH Act specifies that NACOSH be comprised of the following 12 representative members the Secretary appoints:

- Two members who represent management;
- Two members who represent labor;
- Two members who represent the occupational safety professions;
- Two members who represent the occupational health professions (the HHS Secretary designates these members); and
- Four members who represent the public (the HHS Secretary designates two of these members).

The OSH Act also specifies that members be selected on the basis of their experience and competence in the field of occupational safety and health.

## **(5) OTHER BALANCE FACTORS**

NACOSH membership will be consistent with applicable FACA regulations as follows:

- NACOSH membership will be fairly balanced;
- NACOSH members will come from a cross-section of those directly affected, interested, and qualified as appropriate to the nature and functions of NACOSH;
- NACOSH membership, therefore, will depend on several factors, including:
  - NACOSH's mission;
  - The geographic, ethnic, social, economic, or scientific impact of NACOSH's recommendations;
  - The types of perspectives required;
  - The need to obtain divergent points of view on the issues before NACOSH, such as those of consumers, technical experts, the public, academia, business, and other sectors; and
  - The relevance of state, local, or tribal governments to the development of NACOSH's recommendations.

To the extent that FACA and other laws permit, NACOSH membership also should be consistent with achieving the greatest impact, scope, and credibility among diverse stakeholders. The diversity in such membership includes, but is not limited to race, gender, disability, sexual orientation, and gender identity.

## **(6) CANDIDATE IDENTIFICATION PROCESS**

The Designated Federal Official (DFO) solicits candidates for NACOSH through a *Federal Register* notice requesting nominations for membership. Interested persons have approximately 45 days to submit nominations. The notice specifies that nominations must include:

- The nominee's resume or curriculum;
- The nominee's membership in relevant organizations and associations;
- A summary of the nominee's background, experience, and qualifications to serve on NACOSH;
- A list of articles and other documents the nominee has authored that indicates the nominee's expertise in workplace safety and health; and
- A statement that the nominee has no conflicts of interest that would preclude membership on NACOSH.

The DFO evaluates the nominees for expertise, experience, and balance, and provides a list of the most highly qualified candidates to the Assistant Secretary of Labor for Occupational Safety and Health (Assistant Secretary) for discussion and deliberation. The Assistant Secretary also may consider other relevant sources of information in identifying the most highly qualified candidates.

The Office of the Solicitor, Office of Congressional and Interagency Affairs, and the Department of Labor's Committee Management Officer evaluate the candidates for balance and conflicts of interest. In addition, the Department has a well-established vetting and public record search procedures. The HHS Secretary vets their designees. After vetting is completed, the Assistant Secretary presents the recommended candidates to the Secretary for appointment. The Secretary extends formal letters of invitation to the appointed members.

Members serve at the pleasure of the Secretary for staggered two-year terms. At the discretion of the Secretary, members may be appointed to successive terms or removed at any time. If a vacancy occurs because a members resigns, becomes unqualified to serve, or is removed, the DFO reviews the initial candidate list and other information to identify the best qualified candidate to replace the lost point of view and initiates the review process described above. The Secretary appoints the top candidates to fill the remainder of the unexpired term.

**(7) SUBCOMMITTEE AND WORK GROUP BALANCE**

NACOSH subcommittees and work groups are open to all NACOSH members. As such, they maintain the same balance as the Committee as a whole.

**(8) OTHER**

The Department adheres to the Administration's prohibition against the inclusion of federally registered lobbyists as members of NACOSH.

**(9) DATE PREPARED/UPDATES:** July 2012.